

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

VALLEY FORGE INSURANCE COMPANY,

Plaintiff,

V.

DIPAK SHAH, INDIVIDUALLY AND AS
ADMINISTRATOR OF THE ESTATE
OF PINI SHAH, DECEASED,

Defendant/Third-party Plaintiff,

V.

MRAZ-SIMMONS INSURANCE AGENCY,

Third-party Defendant.

CIVIL ACTION No. H-05-3056

ORDER ADOPTING MAGISTRATE JUDGE'S MEMORANDUM AND RECOMMENDATION

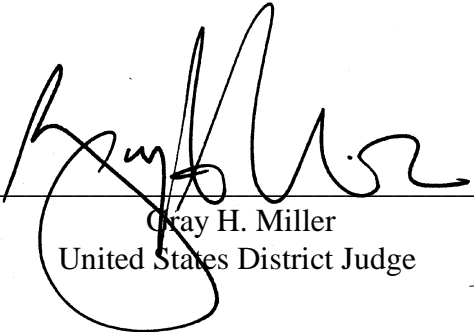
Federal Rule of Civil Procedure 72(b) requires the district court to review *de novo* the portions of the Magistrate Judge's recommendation regarding dispositive motions to which the nonmovant has properly objected. FED. R. CIV. P. 72(b). Based on its review, the district court may "accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions." *Id.* Having reviewed the Magistrate Judge's Memorandum and Recommendation dated January 30, 2009 (Dkt. 88), objections and responses of the parties (Dkts. 92, 97), relevant portions of the record, and applicable law, the court is of the opinion that the reasoning and recommendations contained in the Memorandum and Recommendation of the Magistrate Judge be adopted.

Therefore, it is ORDERED that the Memorandum and Recommendation (Dkt. 88) is hereby ADOPTED by the court. Accordingly, as detailed in the Memorandum and Recommendation, third-party defendant Mraz-Simmons Insurance Agency's supplemental motion for summary judgment

(Dkt. 87) is GRANTED and its initial motion for summary judgment (Dkt. 76) is DENIED as moot; plaintiff Valley Forge Insurance Company's motion for summary judgment (Dkt. 77) is GRANTED IN PART and DENIED IN PART; and defendant / third-party plaintiff Dipak Shah's cross-motion for summary judgment (Dkt. 86) is DENIED.

It is so ORDERED.

Signed at Houston, Texas on March 24, 2009.



Gray H. Miller
United States District Judge